US Army Corps of Engineers

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

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Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

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1. **INTRODUCTION**: The Del Rio Woods Recreation and Park District (DRWR&PD), 35 Rockwood Court, San Francisco, California 94127-1031 (Attn: Donald King, President), has applied to the U.S. Army Corps of Engineers (USACE) for a five-year Department of the Army Permit to continue the annual installation and removal of a summer dam on the Russian River, at river mile 34.0, in the City of Healdsburg, Sonoma County, California. The summer dam is located at 2795 North Fitch Mountain Road, in the vicinity of Fitch Mountain, approximately 2-1/2 miles upstream of the Healdsburg War Memorial Dam. The proposed summer dam would consist of a gravel berm constructed on the exposed bar and a water-filled bladder that spans the low-flow channel to the opposite bank. This Public Notice supersedes the project originally described in Public Notice No. 249931N, issued on 4 March 2002, that was withdrawn from permit processing due to several unresolved issues relating to water quality. This individual permit application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. § 1344).

The proposed project does **not** include any grading activity occurring upstream of the summer dam to construct seasonal beach access for private uses. Such grading activities could be construed as a violation of the Clean Water Act, and the responsible parties could be subject to various administrative and/or legal penalties under the Act, including the requirement of site restoration and fines.

2. **PURPOSE AND NEED:** DRWR&PD indicates the summer dam provides enhanced recreational opportunities for swimming, canoeing, and fishing, by creating a deepened impoundment area in the river during low-flow conditions. The project location principally serves local residences but receives regional visitation during weekends and on holidays. Since DRWR&PD does not maintain accurate visitor use data, visitation is estimated to be less than 5,000 visitors per year. Summer dams have been constructed at this approximate location for over 50 years and authorized by USACE since 1980. The operation of the summer dam at Del Rio Woods would coincide with the installation and removal of the flashboard structure on the Healdsburg War Memorial Dam so as not to impede or otherwise restrict the migration of adult salmonids and steelhead. The flashboards are installed on or after 26 June and are removed immediately after the Labor Day Weekend of each year. To this end, the bladder dam at Del Rio Woods would be installed during the week preceding the 4th of July Weekend and would be removed during the week following the Labor Day Weekend in September. In addition, the bladder dam would not be installed in water flows exceeding 250 cubic feet per second (cfs) and would not operate in water flows exceeding 300 cfs. Typical summer water flow conditions on the Russian River range from 100 to 200 cfs and are partially regulated by water releases from Coyote Dam.

In past years, the summer dam consisted solely of two gravel berms abutting a permanent concrete weir structure situated in the low-flow channel, approximately 150 feet downstream of the proposed bladder dam location. Due to heightened concerns about the level of turbidity and sedimentation generated by the seasonal breaching of the gravel berms, DRWR&PD is electing to use a bladder dam on an interim (five-year) basis as a means to reduce adverse water quality effects associated with the project. During this interim period, DRWR&PD will investigate the feasibility of alternative designs that do not necessarily incur the repetitive cost of bladder replacements, and the concrete weir would remain in-place but not used in the bladder dam structure.

3. **PROJECT DESCRIPTION**: As shown in the attached drawings, the constructed berm would be approximately 140 feet in length, 6 feet in height, and 34 feet in width at the toe-of-slope, with 2H:1V sideslopes. The berm would be comprised of approximately 450 cubic yards of local river-run sand and gravel discharged below the plane of ordinary high water, causing temporary alteration to 0.11 acre of riverbed. The berm material would be excavated from exposed portions of the adjacent bar below ordinary high water, causing temporary alteration to 0.21 acre of riverbed; one-half of this material volume would be obtained immediately downstream of the dam location to promote local redeposition of excavated substrate during subsequent winter high-flow events. The bladder dam would be approximately 100 feet in length, 6 feet in height, and 12 feet in width. The bladder dam would consist of a nylon-reinforced PVC, double-tube, removable barrier system designed to prevent rotation and migration after installation. The summer dam would form an impoundment area for recreational use, measuring 2,000 feet in length, 30 to 180 feet in width, and up to 8 feet in depth.

The seasonal installation and removal of the summer dam would involve the following activities: After 26 June, a sand

and gravel berm would be constructed only on the exposed portion of the bar, using a bulldozer or similar construction equipment. The constructed berm would be angled upstream to provide an effective backstop for the bladder dam. From the upstream face of the berm embankment, the bladder dam would be manually unrolled from a spool and walked across the low-flow channel to the opposite bank. In turn, the bladders would be slowly inflated by pumped river water in a manner to preclude any dewatering of the low-flow channel downstream of the dam structure. During the installation process, sandbags could be temporarily placed at the upstream skirt face on the opposite bank to direct water flow over the bladder dam structure. The combined weight of the filled bladder tubes and water pressure on the upstream skirt is presumed to fully stabilize the bladder dam structure during summer low-flow conditions. After the Labor Day Weekend, the bladder dam would be slowly pumped dry and deflated to gradually lower the impoundment water level. In turn, the deflated bladder dam would be manually rolled onto the spindle and trucked off-site for annual storage. The constructed sand and gravel berm would remain in-place until it was displaced by winter high-flow events.

4. **STATE APPROVALS**: State water quality certification or a waiver is a prerequisite for the issuance of a Department of the Army Permit to conduct any activity which may result in a fill or pollutant discharge into waters of the United States, pursuant to Section 401 of the Clean Water Act (33 U.S.C. § 1341). DRWR&PD has submitted a complete application for water quality certification to the Regional Water Quality Control Board (RWQCB) and recently obtained conditional water quality certification for the project on 30 January 2004. The conditional water quality certification includes a monitoring program to evaluate the project's effects on turbidity and water temperature, pool complexity, and wildlife use.

Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. § 1456(c)), requires a non-Federal applicant seeking a Federal license or permit to conduct any activity occurring in or affecting the coastal zone to furnish a certification that indicates the activity conforms with the State's coastal zone management program. Generally, no Federal license or permit will be issued until the appropriate State agency has concurred with the certification statement or has waived its right to do so. The project does not occur in the coastal zone, and a preliminary review by USACE indicates that the project would not likely affect coastal zone resources. This presumption of effect, however, remains subject to a final determination by the California Coastal Commission.

The project is also subject to the provisions of a 1601 Streambed Alteration Agreement issued by the California Department of Fish & Game.

5. **COMPLIANCE WITH VARIOUS FEDERAL LAWS:**

National Environmental Policy Act of 1969 (NEPA): At the conclusion of the public comment period, USACE will assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. § 4321-4347), the Council on Environmental Quality's Regulations at 40 CFR Parts 1500-1508, and USACE Regulations at 33 CFR Parts 230 and 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of USACE and other non-regulated activities USACE determines to be within its purview of Federal control and responsibility to justify an expanded scope of analysis for NEPA purposes. The final NEPA analysis will be incorporated in the decision documentation that provides the rationale for issuing or denying a Department of the Army permit for the project.

In general, the seasonal installation and removal of the summer dam would cause minor alterations in substrate elevations, streamflow patterns, water quality, habitat for aquatic wildlife and fisheries, and the extent of riparian vegetation that would otherwise occur upstream of the dam.

Endangered Species Act of 1973 (ESA): Naturally spawned populations of coho salmon (*Oncorhynchus kisutch*), steelhead (*Oncorhynchus mykiss*), and chinook salmon (*Oncorhynchus tshawytscha*) inhabiting the California Coast Province, including the Russian River Basin, have been federally-listed as threatened under the Endangered Species Act of 1973, as amended (16 U.S.C. § 1531 *et seq.*). Critical habitat has been also designated for coho salmon to include all estuarine and river reaches accessible to salmonids below longstanding, naturally impassable barriers. Designated critical habitat consists of the water, streambed, and adjacent riparian zone.

The project reach of the Russian River principally serves as a migratory corridor for adult and juvenile salmonids. Adult coho salmon generally enter the Russian River and migrate upstream to spawn from late October to mid-February and die within two weeks after spawning. Yearling juvenile coho salmon tend to migrate downstream to the ocean from March to mid-June. Steelhead are capable of repeat spawning episodes. Adult steelhead enter the Russian River from late fall through April and begin spawning in December. Juvenile steelhead can remain in freshwater from one to three years and tend to migrate downstream to the ocean during the spring and early summer months. Chinnok salmon begin their upstream migration in the late fall, with the advent of heavy rains, and spawn shortly after returning to their natal streams; this migratory period may continue into March or early April and generally peaks in December and January. Juvenile chinook salmon begin their downstream migration in late March or early April, with out migration peaking in mid-May.

To address project-related impacts to salmonid fish species and designated critical habitat, USACE will initiate formal consultation with the National Marine Fisheries Service, pursuant to Section 7(a) of the Endangered Species Act. The consultation process must be concluded prior the issuance of any Department of the Army Permit for the project. No other Federally-listed threatened or endangered species are known to occur within the project reach or in the project vicinity.

Magnuson-Stevens Fishery Conservation and Management Act of 1996 (MSFCMA): The Russian River Basin occurs within designated essential fish habitat for the Pacific Salmon Fishery that includes both coho and chinook salmon. Essential fish habitat for these species corresponds to the constituent habitat elements of designated critical habitat for coho salmon. USACE has made a preliminary determination that the project is not likely to adversely affect essential fish habitat for Federally managed fisheries in California waters. The aforementioned Section 7 consultation process will be used to address project related impacts to essential fish habitat.

National Historic Preservation Act of 1966 (NHPA): Based on a review of CEQA documentation on file with various City, State, and Federal agencies, no historic or archaeological resources are known to occur in the project reach or in the project vicinity. Since the exposed bar and bank are seasonally scoured and altered by high-flow events, project related grading and excavation activities would not likely encounter intact archaeological resources. If unrecorded archaeological resources were discovered during construction, such operations would be suspended until USACE concluded Section 106 consultation with the State Historic Preservation Officer to take into account any construction-related impacts to these resources.

6. **COMPLIANCE WITH THE 404(b)(1) GUIDELINES**: Projects resulting in dredged or fill material discharges into waters of the United States must comply with the Guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. § 1344(b)). An evaluation pursuant to the Guidelines indicates the project is dependent on location in or proximity to waters of the United States to achieve the basic project purpose of constructing a seasonal dam for water-oriented recreational purposes. The DRWR&PD has been informed to submit an analysis of project alternatives to be reviewed for compliance with the Guidelines.

7. **PUBLIC INTEREST EVALUTION**: The decision on whether to issue a Department of the Army Permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the project and its intended use of the public interest. Evaluation of the probable impacts requires a careful weighing of the public interest factors relevant in each particular case. The benefits that may accrue from the project must be balanced against any reasonably foreseeable detriments of project implementation. The decision on permit issuance will, therefore, reflect the national concern for both protection and utilization of important resources. Public interest factors which may be relevant to the decision process include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

8. **CONSIDERATION OF COMMENTS**: USACE is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the project. All comments received by USACE will be considered in the decision on whether to issue, modify, condition, or deny a Department of the Army Permit for the project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, and other environmental factors addressed in a final Environmental Assessment or Environmental Impact Statement. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the project.

9. **SUBMITTING COMMENTS**: During the specified comment period, interested parties may submit written comments to the San Francisco District, Regulatory Branch, North Section, citing the applicant's name and Public Notice Number in the letter. Comments may include a request for a public hearing on the project prior to a determination on the permit application; such requests shall state, with particularity, the reasons for holding a public hearing. All comments will be forwarded to DRWR&PD for resolution or rebuttal. Additional information may be obtained from DRWR&PD or by contacting Mr. Peter Straub of the Regulatory Branch at telephone 415-977-8443 or by e-mail at pstraub@spd.usace.army.mil.